



UNITED STATES PATENT AND TRADEMARK OFFICE

m-l

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/760,580	01/16/2001	Keiko Mamiya	FUJY 18.239	4309

7590 11/03/2006

Katten Muchin Zavis Rosenman
575 Madison Avenue
New York, NY 10022

EXAMINER

TIEU, BENNY QUOC

ART UNIT PAPER NUMBER

2614

DATE MAILED: 11/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/760,580

Applicant(s)

MAMIYA ET AL.

Examiner

Benny Q. Tieu

Art Unit

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 September 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 2, 15, 16, 21 and 24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 15, 16, 21, and 24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National/Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. Applicant's amendment filed on September 7, 2006 has been entered. Claims 1, 2, 15, 16, 21, and 24 have been amended. Claims 3-14, 17-20, 22 and 23 have been canceled. Claims 1, 2, 15, 16, 21, and 24 are still pending in this application, with claims 1, 2, 15, 16, 21 and 24 being independent.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 2, 15, 16, 21 and 24 are rejected under 35 U.S.C. 102(e) as being anticipated by Fox (U.S. Patent No. 6,363,143).

Regarding claims 1, 15, 21 and 24, Fox teaches a communication network and a communication service information providing method comprising the steps of:

receiving a call (see Fig. 3A, 300), which is transmitted from a calling subscriber to a called subscriber that subscribes a plurality of communication services (telephone and Internet),

Art Unit: 2614

said call being used to select one of the plural communication services (it is noted that telephone call is one of plurality of communication services); and

providing information (user's present location, user is at home, etc.) related to another communication service subscribed to by the called subscriber with respect to the calling subscriber without connecting by the other communication service, the provided information being usable for selecting said another communication service when the selected communication is in a non-connectable state (column 6, lines 7-50).

Regarding claims 2 and 16, Fox teaches a communication network and a communication service information providing method comprising the steps of:

receiving a call (see Fig. 3, 300), which is transmitted from a calling subscriber to a called subscriber that subscribes a plurality of communication services (telephone and Internet), said call being used to select one of the plural communication services (it is noted that telephone call is one of plurality of communication services);

providing information (user's present location, user is at home, etc.) related to another communication service subscribed to by the called subscriber with respect to the calling subscriber, the provided information being usable for selecting said another communication service when the selected communication service is in a non-connectable state (column 6, lines 7-50); and

when the calling subscriber selects one of other communication services from the provided information, trying to connect to the called subscriber by way of the selected another communication service (column 6, lines 7-50).

Response to Arguments

4. Applicant's arguments with respect to claims 1, 2, 15, 16, 21, and 24 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Benny Q. Tieu whose telephone number is 571-272-7490. The examiner can normally be reached on Monday-Friday: 6:30AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wing Chan can be reached on 571-272-7493. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Benny Q. Tieu
Primary Examiner
Art Unit 2614